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09/592,776

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EXAMINER

GRAHAM, CLEMENT B

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/592,776 | Applicant(s) LEROUX ET AL. | |
| | Examiner Clement B. Graham | Art Unit 3696 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/17/08.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 remained pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 10, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claim 10 recites "receiving data", "correlating data", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Takayama U.S Patent 6, 332, 33.

As per claim 1, Takayama discloses a system for processing electronic payment transaction data comprising:

a front-end system to receive transaction data from one or more merchants;
a front-end system to receive payment data from two or more payment systems (see column 19 lines 18-67 and column 20-lines1-11) and a (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

Takayama fail to explicitly teach means for correlating at least one data table entry in the transaction data with at least one data table entry in the payment data.

However Takayama teaches he customers table address indicates the address in the service director information server in which is stored table information that represents the correspondence of the customer number and the user ID. In the settlement processors list 3202 four types of information are stored for each settlement processor: a settlement processor name; a settlement processor ID, a settlement processor's communication ID 3225, a service list address. The settlement processor's communication ID 3225 (3229) is an ID for the settlement system when the service providing system communicates with the settlement system via the digital communication line. The service list address 3226 is an address in the service director information server in which is stored a list of service code that the settlement processor can handle (see column 77 lines 26-67 and column 78 lines 1-24).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Takayama system would have been able to perform the functions of correlating at least one data table entry in the transaction data with at least one data table entry in the payment data in order to provide electronic settling or settlement that provides a settling function for retail sales transactions involving the use of credit cards (bank cards), and a terminal and a control apparatus or management device therefor and clearing system that provides ensured protection for sales transactions, while further ensuring the uncomplicated execution of such settlement or transactions.

As per claim 2, Takayama discloses wherein the reporting system further comprises a data display system that displays at least one data field from the transaction data table entry with at least one data field from the payment data table entry. (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

As per claim 3, Takayama discloses wherein the front-end system further comprises a transaction detail system receiving one or more of the group comprising rental pickup date, rental return data, rental agreement data, rental agreement value, extra charge data, order number data, secure electronic commerce transaction data, cardholder certificate data, non-authenticated transaction data, merchant certificate data, channel encrypted transaction data, and non-secure transaction status data. (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

As per claim 4, Takayama discloses wherein the front-end system further comprises a fuel transaction system receiving one or more of the group comprising vehicle identification data,

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odometer data, driver data, and. product code data. (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

As per claim 5, Takayama discloses wherein the front-end system further comprises a restaurant transaction system receiving one or more of the group comprising tip data, employee number, server number, food transaction identifier, and beverage transaction identifier. (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

As per claim 6, Takayama discloses wherein the back-end system further comprises a payment transactions system receiving one or more of the group comprising cardholder number, amount of transaction, transaction type, merchant number, transaction date , transaction identification number, batch identification number, outlet identification number, downgrade reason, downgrade data, card type, charge type, acquirer reference number, merchant outlet number, service level, terminal identification, magnetic key, deposit date, loading date, transaction code, authorization code, reject code, card-specific data, and validation code. (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

As per claim 7, Takayama discloses wherein the back-end system further comprises a disposition system receiving one or more of the group comprising case number, iteration number, sequence number, resolution type, disposition date, merchant outlet number, chargeback amount, chargeback date, chargeback reason identification, acquirer reference number, original reference number, outlet identification, card brand, and loading date. (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

As per claim 8, Takayama discloses wherein the back-end system further comprises a deposit correction system receiving one or more of the group comprising processing date, batch identification, outlet identification, deposit correction notice, exception code number, merchant outlet number, transaction identification number, loaded date, control identification number. (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

As per claim 9, Takayama discloses wherein the back-end system further comprises a reversal system to receive receiving one or more of the group comprising case number, iteration number, sequence number, reversal date, chargeback amount field, chargeback date field, chargeback reason identification, acquirer reference number, original reference 5 number, outlet identification, card brand

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transaction date, and loading date. (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

As per claim 10, Takayama discloses a method for presenting transaction data comprising:
receiving transaction date generated by one or more merchants;
receiving payment data generated by two or more payment systems
. (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

Takayama fail to explicitly teach correlating at least one data table entry in the transaction data with at least one data table entry in the payment data.

However Takayama teaches the customers table address indicates the address in the service director information server in which is stored table information that represents the correspondence of the customer number and the user ID. In the settlement processors list 3202 four types of information are stored for each settlement processor: a settlement processor name; a settlement processor ID, a settlement processor's communication ID 3225, a service list address. The settlement processor's communication ID 3225 (3229) is an ID for the settlement system when the service providing system communicates with the settlement system via the digital communication line. The service list address 3226 is an address in the service director information server in which is stored a list of service code that the settlement processor can handle (see column 77 lines 26-67 and column 78 lines 1-24).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Takayama system would have been able to perform the functions of correlating at least one data table entry in the transaction data with at least one data table entry in the payment data in order to provide electronic settling or settlement that provides a settling function for retail sales transactions involving the use of credit cards (bank cards), and a terminal and a control apparatus or management device therefor and clearing system that provides ensured protection for sales transactions, while further ensuring the uncomplicated execution of such settlement or transactions.

As per claim 11, Takayama discloses further comprising displaying at least one data field from the transaction data table entry with at least one data field from the payment data table entry.(see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

As per claim 12, Takayama discloses wherein displaying at least one data field from the transaction data table entry comprises displaying at least one transaction detail data field (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

As per claim 13, Takayama discloses wherein displaying at least one data field from the transaction data table entry comprises displaying at least one fuel transaction data field. (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

As per claim 14, Takayama discloses wherein displaying at least one data field from the payment data table entry comprises displaying at least one payment transactions data field. (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

As per claim 15, Takayama discloses wherein displaying at least one data field from the payment data table entry comprises displaying at least one disposition data field (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

As per claim 16, Takayama discloses 16. The method of claim 11 wherein displaying at least one data field from the payment data table entry comprises displaying at least one deposit correction data field (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

As per claim 17, Takayama discloses wherein displaying at least one data field from the payment data table entry comprises displaying at least one reversal data field (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

As per claim 18, Takayama discloses a system for reporting electronic payment transaction data comprising:

a transaction system that receives front-end transaction data from one or more merchant systems and payment data from one or more payment systems; and

a reporting system that correlates at least one data table entry in the transaction data with 5 at least one data table entry in the payment data (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

As per claim 19, Takayama discloses wherein the front-end system receiving the transaction data from the one or more merchants comprises a front end credit card transaction processing system performing credit card transaction processing prior to submission of credit card transactions to a credit

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card account holder for payment (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

As per claim 20, Takayama discloses wherein the back-end system receiving the payment data from the one or more payment systems comprises a back-end credit card transaction processing system performing credit card transaction processing after submission of credit card transactions to a credit card account holder for payment (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines1-5).

Conclusion

Response to Arguments

5. Applicant "s arguments filed on 03/17/2008 are not persuasive for the following reasons.

6. In response to Applicant's arguments that Takayama fails to teach or suggest" correlating at least one data table entry in the transaction data with at least one data table entry in the payment data "the Examiner disagrees with Applicant's because the limitations were addressed as stated.

Takayama discloses a front-end system to receive transaction data from one or more merchants, a front-end system to receive payment data from two or more payment systems (see column 19 lines 18-67 and column 20-lines1-11) and a (see column 19 lines 18-67 and column 20-lines1-11 and column 25 lines 31-67 and column 26 lines 1-5).

Further Takayama teaches the customers table address indicates the address in the service director information server in which is stored table information that represents the correspondence of the customer number and the user ID. In the settlement processors list 3202 four types of information are stored for each settlement processor: a settlement processor name; a settlement processor ID, a settlement processor's communication ID 3225, a service list address. The settlement processor's communication ID 3225 (3229) is an ID for the settlement system when the service providing system communicates with the settlement system via the digital communication line. The service list address 3226 is an address in the service director information server in which is stored a list of service code that the settlement processor can handle (see column 77 lines 26-67 and column 78 lines 1-24).

Therefore it is obviously clear that the teachings of Takayama system would have been able to perform the functions of correlating at least one data table entry in the transaction data with at least one data table entry in the payment data in order to provide electronic settling or settlement that provides a settling function for retail sales transactions involving the use of credit cards (bank cards), and a

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terminal and a control apparatus or management device therefor and clearing system that provides ensured protection for sales transactions, while further ensuring the uncomplicated execution of such settlement or transactions.

7. With respect to Applicant's that Takayama fails to provide a prima facie basis for the rejection argument, Examiner respectfully submits that obviousness is not determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See *In re Oetiker*, 977F. 2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Hedges*, 783F.2d 1038, 1039, 228 USPQ* 685, 686 (Fed. Cir. 1992); *In re Piaseckii*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984); *In re Rinehart*, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA 1976). Using this standard, the Examiner respectfully submits that he has at least satisfied the burden of presenting a prima facie case of obviousness, since he has presented evidence of corresponding claim elements in the prior art and has expressly articulated the combinations and the motivations for combinations that fairly suggest Applicant's claimed invention. Note, for example, in the instant case, the Examiner respectfully notes that each and every motivation to combine the applied references are accompanied by select portions of the respective reference(s) which specially support that particular motivation and /or an explanation based on the logic and scientific reasoning of one ordinarily skilled in the art at the time of the invention that support a holding of obviousness. As such, it is not seen that the Examiner's combination of references is unsupported by the applied prior art of record. Rather, it is respectfully submitted that explanation based on the logic and scientific reasoning of one of ordinarily skilled in the art at the time of the invention that support a holding of obviousness has been adequately provided by the motivations and reasons indicated by the Examiner, *Ex pane Levengood*, 28 USPQ2d 1300(Bd. Pat. App &., 4/293 Therefore the combination of reference is proper and the rejection is maintained.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

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1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Frantzy Poinvil/
Primary Examiner, Art Unit 3696**

CG
May 26, 2009